FBI Settles Black Agents' Discrim

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With embattled Director William S. Sessions noticeably absent, the Justice Department yesterday announced that the FBI has agreed to allow a federal judge to supervise its employment practices to ensure that black agents are treated fairly.

The formal settlement in the race discrimination case came as a White House spokesman suggested Sessions's future may remain in doubt for some time while internal Justice Department investigators examine documents on his home mortgage.

Sessions, the subject of a scathing ethics report issued last week by the Justice Department's Office of Professional Responsibility (OPR), has signed release forms allowing investigators access to his home mortgage documents. The report had questioned whether Sessions received a "sweetheart deal" on the $375,000 mortgage from Riggs National Bank. But investigators said they could reach no conclusion because of Sessions's failure to cooperate.

White House communications director George Stephanopoulos told reporters yesterday that any decision on Sessions's fate is "unlikely" until OPR finishes its investigation.

Yesterday, acting Attorney General Stuart M. Gerson said he asked Sessions not to attend a news conference in which terms of the race discrimination case were detailed, despite the fact that resolving the matter was one of Sessions's highest priorities.

If Sessions had attended, there would have been so many questions about his own case, "we'd never get off those matters and talk about anything else," said Gerson, a Bush administration holdover temporarily running the department until President Clinton nominates a new attorney general.

Since last week, Sessions has garnered support from civil rights activists for his strides in hiring and promoting minority agents. However, he is increasingly isolated from his senior staff at FBI headquarters, FBI sources said.

The director angered a number of FBI officials when he publicly questioned the loyalty of Floyd I. Clarke, the widely respected deputy FBI director, in an interview Sunday on ABC's "This Week With David Brinkley." "That was totally unjustified," one FBI official said. "I think it did irreparable damage to the director's relationship with the senior management."

Sessions said on the interview program that Clarke "is very close"

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to former attorney general William P. Barr but never warned him of "Mr. Barr's activity in this whole thing." Barr, acting on OPR's recommendation, reprimanded Sessions for the alleged ethics violations on Jan. 15, the day he resigned as attorney general.

Sessions, midway through a 10-year term, has concentrated heavily on easing racial tensions in the bureau. The court settlement, ironed out during negotiations with lawyers for black FBI agents, is designed to avert a threatened discrimination lawsuit that department officials feared would severely polarize the bureau.

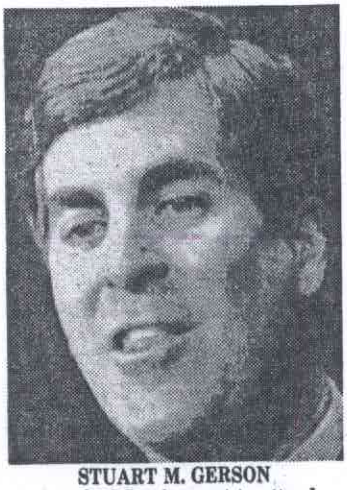
David Shaffer, lawyer for the black agents, said later he was "very disappointed" at Sessions's absence from the formal announcement. "Sessions was directly and personally involved in every step of this," he said. "He deserves all the credit. . . ."

The final settlement has one key difference from the proposed terms announced in April, an alternative dispute clause that will permit a federal judge to maintain jurisdiction over the bureau's compliance, but only after both parties agree to submit disputes to impartial mediation panels.

Other terms call for the bureau to hire outside consultants to review its promotion and disciplinary procedures. It also spells out a host of specific numerical steps, such as: promoting six black agents to supervisory positions, reassigning nine other agents to headquarters divisions, reassigning 43 black agents to resident agent positions within the next three years and reassigning five black agents to special SWAT teams.

Gerson said at the news conference that these terms, which must still be approved by a court, include an implicit acknowledgement by the Justice Department of past discrimination at the bureau.

Currently, about 520 of the bureau's 10,400 agents are black. Out of the 56 FBI field offices, only one is headed by a black agent in charge.



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